

### **REMARKS/ARGUMENTS**

This case has been reviewed and analyzed in view of the Official Action dated 9 June 2006. The undersigned Attorney acknowledges the Examiner's allowance of Claims 11-14.

The Examiner has rejected Claims 1-2 and 4-5 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 6,190,403.

The Examiner has stated that Patent 6,190,403 discloses the same invention having a thin walled stent including a multiplicity of circumferential strut members with each of the strut members consisting of strut elements consisting of a curve section and a diagonal section as well as M and W shaped flexible links where the links are attached to the curves of the strut members as shown in Fig. 8 of the 6,190,403 reference.

It is respectfully submitted that the rejection under 35 U.S.C. § 102(e) is inappropriate in that the '403 reference cited by the Examiner does not include each and every element of Claims 1-2 and 4-5. Specifically, the '403 reference does not specify the Claim element "... the sets of strut members and connecting flexible links together forming a multiplicity of closed perimeter cells, at least half of all closed perimeter cells having an inside perimeter length greater than 9mm.", as is provided in independent Claim 1.

Additionally, with respect to independent Claim 5, it is not believed that the '403 reference shows the Claim elements "... each individual flexible link having

a maximum circumferential extent that is approximately the same as measured from each side of a line drawn between the proximal attachment point and the distal attachment point of that individual flexible link.”.

Thus, it is not believed that a rejection under 35 U.S.C. § 102(e) is appropriate in that each and every element is not provided in independent Claim 5.

Arguendo, if the Examiner rejects Claims 1 and 5 under 35 U.S.C. § 103(c)(1), it is respectfully noted that the Application and the reference cited namely Patent 6,190,403 is and was commonly owned by the same entity, namely, Cordis Corporation at the time the claimed invention was made.

Cordis Corporation owns the entire right, title and interest to U.S. Patent 6,190,403, recorded on reel 10796/frame 915 and the entire right, title and interest of the subject Application 10/717,470 is recorded on reel 11966/frame 236.

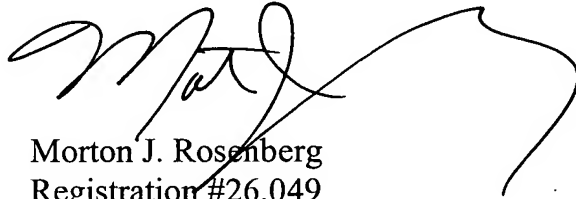
In fact, both the cited Patent and the subject Patent Application as claimed is currently assigned in its entire right, title and interest aspects to Cordis Corporation and attached is an Appendix providing Forms 3.73(b) for both the cited Registration and the subject Application.

The remaining Claims namely Claims 2 and 4 are ultimately dependent upon independent Claim 1 and are believed to show patentable distinction over the prior art cited by the Examiner for at least the same reasons as provided for independent Claim 1.

The remaining references cited by the Examiner but not used in the rejection have been reviewed and are believed to be further removed from the Claims of the subject Application when patentable considerations are taken into account.

It is now believed that the subject Patent Application has been placed in condition for allowance and such action is respectfully requested.

Respectfully submitted,  
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Dated: 11 Sept 2006

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